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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**  
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13  
14 UNITED STATES OF AMERICA,

Case No. 2:14-cr-408-RFB-NJK

15 Plaintiff,

**STIPULATION TO CONTINUE**  
**SENTENCING DATE**  
(First Request)

16 v.

17 GERALD JOHNSON,  
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Defendant.  
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21 IT IS HEARBY STIPULATED AND AGREED, by and between Daniel G. Bogden,  
22 United States Attorney, and Allison Herr, Assistant United States Attorney, counsel for  
23 the United Stated of America, and Rene L. Valladares, Federal Public Defender, and  
Raquel Lazo, Assistant Federal Public Defender, counsel for Gerald Johnson, that the  
sentencing hearing currently scheduled for October 2, 2015 at 2:00 p.m., be vacated and  
set to a date and time convenient to this court, but no earlier than one week .  
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1           The Stipulation is entered into for the following reasons:

2           1.     Defense counsel requires additional time to review the presentence  
3 investigation report with Mr. Johnson. Additionally, she needs more time to draft and file  
4 her sentencing memorandum.

5           2.     The client is in custody and does not oppose the continuance.

6           3.     The additional time requested herein is not sought for purposes of delay, but  
7 merely to allow counsel for the defendant sufficient time to draft and file her  
8 memorandum.

9           4.     Additionally, denial of this request for continuance could result in a  
10 miscarriage of justice. The additional time requested by this stipulation is excludable in  
11 computing the time within which the trial herein must commence pursuant to the Speedy  
12 Trial Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§  
13 3161(h)(7)(B).

14           5.     This is the first stipulation to continue filed herein.

15           DATED: September 22, 2015

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17           RENE L. VALLADARES  
18           Federal Public Defender

DANIEL G. BOGDEN  
United States Attorney

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/s/ *Raquel Lazo*  
By \_\_\_\_\_

20           RAQUEL LAZO  
21           Assistant Federal Public Defender

/s/ *Allison Herr*  
By \_\_\_\_\_  
ALLISON HERR  
Assistant United States Attorney

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:14-cr-208-RFB-NJK

Plaintiff,

V.

GERALD JOHNSON,

Defendant.

## ORDER

IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for Friday, October 2, 2015, be vacated and continued to Wednesday, October 14, 2015 at 1:30 p.m.

DATED this 23rd day of September, 2015.

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**RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE**